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AUSA MITCHELL MARS
AUSA JOHN SCULLY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

UNITED STATES OF AMERICA

v.

JOHN THOMAS AMBROSE

CRIMINAL COMPLAINT

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. From in or about October 2002 until in or about May 2003, in Cook County, in the Northern District of Illinois, defendant

knowingly converted to the use of another a thing of value of the United States;

in violation of Title 18 United States Code, Section 641.

I further state that I am an Agent with the FBI and that this complaint is based on the following facts:

See Attached Affidavit

Continued on the attached sheet and made a part hereof: X Yes ____ No

Special Agent Anita Stamat
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

January 11, 2007 at

Chicago, Illinois

Hon. Michael T. Mason, U.S. Magistrate Judge

AFFIDAVIT OF ANITA A. STAMAT

I, Anita Stamat, being duly sworn under oath state as follows:

I. INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"). I am currently assigned to the Chicago Organized Crime Squad. I have been assigned to the Organized Crime Squad for over four years and have been a Special Agent with the FBI for fifteen years. During my time as an FBI agent I have been involved in numerous criminal investigations, including investigations involving theft of government property and public corruption.
2. The information in this affidavit is based upon my own investigation, interviews of Deputy U.S. Marshal **John Thomas Ambrose**, information I have learned from other individuals, including other FBI agents and other federal law enforcement officers, and a review and analysis of audio tapes, video tapes, transcripts, reports and other documents. Given the limited nature of this affidavit, I have not included each and every fact known to me concerning the entities, individuals and events described in this affidavit.

II. OVERVIEW OF THE PROBABLE CAUSE

3. This affidavit is submitted for the purpose of establishing that there is probable cause to believe that Deputy U.S. Marshal **John Thomas Ambrose** used his official position to obtain, and without authority illegally disseminate highly sensitive information, including

information relating to the status, substance of cooperation, and travel of Chicago Outfit¹ cooperating witness Nicholas Calabrese² while Calabrese was in the United States Marshals Service's Witness Security Program ("WSP").³ This information was later transmitted to members of the Chicago Outfit. In so doing, **Ambrose** knowingly stole, purloined, and converted to his own use, and to the use of another, a thing of value of the

¹The history, structure, and operation of the Outfit (also known as "La Cosa Nostra" or "LCN") is described in several reported cases. See, e.g., United States v. Zizzo, 120 F.3d 1338 (7th Cir. 1997); United States v. Rainone, 32 F.3d 1203 (7th Cir.1994).

²The first official disclosure of Nicholas Calabrese's status as a cooperating witness occurred during the April 29, 2005, detention hearing of James and Michael Marcello (on or about February 21, 2003, a column in the Chicago Tribune first speculated about Nicholas Calabrese's possible cooperation with federal law enforcement; during a December 2006 interview, a Marcello associate stated that a friend of Nick Calabrese mentioned this possibility to Michael Marcello and the Marcello associate in the Fall of 2002 following a conversation the friend purportedly had with Nicholas Calabrese). Nicholas Calabrese is expected to be called as a witness against his co-defendants, including James and Michael Marcello, in United States v. Calabrese, et al., 02 CR 1050, a prosecution involving, *inter alia*, RICO violations alleged to have been committed by organized crime members in Chicago. Nicholas Calabrese was indicted in 1995 in the Northern District of Illinois in a RICO conspiracy case (United States v. Calabrese, et al., 95 CR 443) charging the organized crime "Calabrese Street Crew" with the collection of unlawful debts. This indictment alleged that his brother, Frank Calabrese, Sr., was the head of the street crew. Nicholas Calabrese pleaded guilty to three counts, and in 1997 was sentenced to 70 months incarceration. Nicholas Calabrese, who was scheduled to be released in late 2002, began cooperating with federal law enforcement in early 2002. In October 2002, prior to his scheduled release, Nicholas Calabrese was charged in a sealed information in United States v. Calabrese, 02 CR 1050. Nicholas Calabrese has therefore been in federal custody since 1997.

³Also known as "WITSEC."

United States, in violation of 18 U.S.C. Section 641.⁴ I reach this conclusion based upon, among other things, the following, as set out more fully below:

- a. During the period of January through June, 2003, the government intercepted in-person prison conversations between James Marcello, who at the time was a federal prisoner at FCI Milan, and his brother, Michael Marcello, while they were in the visitors' room. The conversations indicated that Michael Marcello had access to an inside source of information concerning Nicholas Calabrese, who was then a protected participant in the WSP. James Marcello was serving time as a result of his own conviction, including a plot to murder someone believed to be an informant.⁵ The current investigation indicates that James Marcello was highly interested in learning the nature of the government's continuing investigation into his criminal activities.

⁴As discussed in United States v. Matkin, 14 F.3d 1014, 1020 (4th Cir. 1994), "[t]he statute also covers both tangible and intangible property. (Citations and quotations omitted); see also United States v. Girard, 601 F.2d 69, 71 (2d Cir. 1979) (holding in case involving DEA undercover agent who retrieved information from a DEA computer file and sold it to members of a narcotics ring that term "thing of value," when used in criminal statutes such as in 18 U.S.C. § 641, includes intangibles, such as amusement, sexual intercourse, a promise to reinstate an employee, and information), discussed in United States v. Croft, 750 F.2d 1354, 1361 (7th Cir. 1984); United States v. Howard, 30 F.3d 871, 874 (7th Cir. 1994) ("Intangible property may unquestionably belong to the government."). As discussed on pages 7-9 below, the government for good reason spent considerable resources to keep Nicholas Calabrese's location and status of his cooperation secret during the ongoing FBI investigation of the Chicago Outfit. Indeed, regulations and statutes such as 28 C.F.R. § 0.111b(b) and 18 U.S.C. § 3521 are specifically designed to assure that such important and sensitive information is kept secret. Moreover, James Marcello spent \$4,000 a month in hush money to buy Nicholas Calabrese's silence (and expressed his interest in making sure that this "investment" paid off, see pages 7 and 25-27 below), and in a recorded conversation discussed that he wanted to pay **Ambrose** in exchange for the information provided (see page 30 below). These facts all establish that the value of the information is in excess of the \$1,000 misdemeanor cut-off set forth in Section 641. See United States v. Ligon, 440 F.3d 1182, 1183-84 (9th Cir. 2006) (discussing valuation on the "thieves market," and ruling that, "where goods have no readily ascertainable market value, any reasonable method may be employed to ascribe an equivalent monetary value to the items") (quotation omitted).

⁵See United States v. Zizzo, 120 F.3d 1338 (7th Cir. 1997).

- b. The content of the intercepted conversations indicated that Michael Marcello's source of information was someone within federal law enforcement who had access to WSP protectees. The intercepted conversations captured Michael Marcello providing James Marcello with current details concerning Calabrese's cooperation with the government, including non-public, sensitive matters regarding organized crime homicides that were the subject of Nicholas Calabrese's May 2003 trip to Chicago. The content of the conversations also confirmed that the source of information had access to documents and material that only a small number of individuals within the federal government would be in a position to retrieve.
- c. Nicholas Calabrese had been providing confidential information on organized crime matters, including Outfit-related homicides committed by James Marcello and others. Nicholas Calabrese was brought to the Chicago area by United States Marshals Service Witness Security Program Inspectors on two occasions with respect to that investigation – on October 31 - November 1, 2002, and again on May 20-23, 2003. Both of these trips involved highly secret travel details to which only a handful of government personnel were privy. On both of these security details, **John Ambrose** served on the night shift security detail tasked with protecting Calabrese.
- d. **John Ambrose** is a Deputy U.S. Marshal, and most recently was the Deputy Commander of the Great Lakes Regional Fugitive Task Force.⁶ The role and chain-of-command of WSP Inspectors is distinct from that of Deputy U.S. Marshals. The primary role of WSP Inspectors is to ensure the safe handling, logistics, and transportation of federally protected witnesses that have been accepted into the WSP program. WSP Inspectors occasionally request supplemental security services from Deputy U.S. Marshals such as **Ambrose**, but the Deputy U.S. Marshal's role is restricted to providing a limited support function. For example, **Ambrose's** function during the two Nicholas Calabrese details was limited to providing night-time security in the Chicago WSP's secure facility in which Calabrese was staying.
- e. On March 24, 2003, in a recorded conversation set out below, Michael Marcello identified his inside source of information regarding Calabrese as **John Ambrose**, not by name, but by a description that to the affiant's knowledge can fit no other law enforcement officer. Michael Marcello told James Marcello that this source, referred to by Michael Marcello as "the Babysitter," was the son of a now-deceased defendant prosecuted in the so-called "Marquette 10 " case with

⁶**Ambrose** is currently on administrative leave with the U.S. Marshals Service.

Chicago police officers Frank DeRango and Individual A. **John Ambrose** is the son of Thomas Ambrose, the lead defendant in United States v. Ambrose, 740 F.2d 505, 507 (7th Cir. 1984), a police corruption case commonly referred to as “the Marquette 10” case. Frank DeRango and Individual A were co-defendants in that case. Thomas Ambrose in fact died in prison while serving his sentence upon conviction.

- f. During other recorded conversations between the two Marcellos intercepted by the government, Michael Marcello indicated that his source had access to information provided to the government by Nicholas Calabrese. **John Ambrose’s** fingerprints in fact were discovered by FBI laboratory personnel on confidential documents maintained by WSP personnel in the secured location in which WSP protectees are housed. These highly-confidential documents were among Nicholas Calabrese’s WSP file, which included details provided by Nicholas Calabrese regarding Organized Crime (such as murders Nicholas Calabrese personally was involved in, murders he was told about, the organization and structure of the Chicago Outfit, etc.). This information provided by Michael Marcello to his brother concerned homicides of interest to the Marcellos.
- g. During a September 6, 2006, interview by federal law enforcement officials, **Ambrose** admitted that he took part in two WSP production details involving Nicholas Calabrese, but at first denied having reviewed the Nicholas Calabrese WSP file. Later during the interview, after **Ambrose** was advised that his fingerprints were found in the file, **Ambrose** confirmed that he reviewed the WSP files relating to Nicholas Calabrese’s cooperation and WSP status. **Ambrose** further admitted to having had two separate conversations with Individual A about the Calabrese production details (one following each detail).
- h. During a subsequent September 6, 2006, interview, and during a September 11, 2006, follow-up interview, **Ambrose** made a number of factual claims that were inconsistent with one another, and that were also inconsistent with independent facts developed during the investigation. For example, during the first September 6, 2006, interview, **Ambrose** admitted he provided information about Nicholas Calabrese to Individual A. According to **Ambrose**, he passed this information along to Individual A so that he would ingratiate himself to DiFronzo⁷ and others. **Ambrose** said that he hoped to ingratiate himself with DiFronzo so that he (**Ambrose**) could later use this good will to get information concerning the whereabouts of Outfit member Joseph Lombardo if and when Lombardo decided to flee from justice. However, **Ambrose** in subsequent interviews said that he

⁷John DiFronzo was described by Nicholas Calabrese as being a made member of the Chicago Outfit who was associated with the Elmwood Park crew.

never thought the information he provided to Individual A was going to be passed on to DiFronzo or other Outfit members.

- I. **Ambrose** throughout his interviews was unable to explain why James and Michael Marcello were able to discuss specific, detailed, non-public information about the nature and extent of Nicholas Calabrese's cooperation and whereabouts.
- j. **Ambrose** claimed that he ran into Individual A and mentioned to Individual A his involvement with the May 2003 Nicholas Calabrese WSP production "a few weeks" after the production was over. According to Nextel records, however, on May 23, 2003 (the last day of this second Calabrese detail) **Ambrose** placed a fourteen minute phone call to the work telephone number of Individual A. This call was made within hours of **Ambrose** completing his last night shift of this Calabrese WSP detail. Phone records show no telephone call over three minutes between Ambrose and Individual A for months prior to and after this fourteen minute phone call.

III. FACTS ESTABLISHING PROBABLE CAUSE

A. Nicholas Calabrese's Cooperation With Law Enforcement

- 4. Nicholas Calabrese, who admitted to the government that he was a "made" member of the Chicago Outfit, in 2002 agreed to cooperate in the investigation of James Marcello, Michael Marcello, and other members of the Chicago Outfit. Nicholas Calabrese is one of the co-defendants in United States v. Nicholas Calabrese, et al., 02 CR 1050 (Zagel, J.), which is scheduled for trial in May 2007.
- 5. On or about August 15, 2002, as part of Nicholas Calabrese's application for admission into the WSP, Assistant U.S. Attorneys in Chicago submitted a WSP application to the U.S. Department of Justice's Office of Enforcement Operations in Washington, DC, detailing Nicholas Calabrese's ability to testify about 16 murders in which he participated, and 22 additional murders about which he had information from others. The Chicago Office of the FBI provided input to the application, and in particular provided an

analysis of the significant danger posed to Nicholas Calabrese by members of the Chicago Outfit.

6. Because of the nature of Nicholas Calabrese's cooperation, and the potential threats to his life, on or about August 27, 2002, Nicholas Calabrese was formally admitted into the WSP and moved to a secure location within the U.S. Bureau of Prisons.
7. According to Nicholas Calabrese, starting in or about 1998, while Nicholas Calabrese and James Marcello were both incarcerated at FCI Pekin, James Marcello began paying Nicholas Calabrese \$4,000 per month (the payments being made through Michael Marcello). Based on the intercepted conversations between James and Michael Marcello,⁸ the purpose of these payments was, in part, to ensure that Nicholas Calabrese would not cooperate with law enforcement. Nicholas Calabrese advised that he in fact at first did not provide information to the FBI implicating James Marcello in the homicides of Anthony and Michael Spilotro because of the payments he was receiving.
8. The government has employed sophisticated safeguards (such as arranging to secure transportation and housing), and spent significant resources (for example, according to requests by WSP personnel for special assignment resources, the cost to the government of Nicholas Calabrese's three-day trip to Chicago in May 2003 was in excess of \$1,900 in U.S. Marshal personnel expenses, in addition to transportation costs in excess of \$14,900) to keep information concerning Nicholas Calabrese's whereabouts and cooperation while in WSP secret. These measures were taken to both protect the life and

⁸See pages 25-27 below.

well-being of Nicholas Calabrese and his family, and to safeguard the integrity of the then-ongoing long-term investigation of the Chicago Outfit.⁹

B. Nicholas Calabrese Brought To Chicago by WSP Personnel

9. Because Calabrese was scheduled to be released on his prior conviction on November 5, 2002, a sealed information charging him alone was filed on October 30, 2002, and he was brought to Chicago by WSP Inspector personnel on October 31, 2002, for his arraignment in federal court. This was the first time he was brought to Chicago as a WSP protected witness. **Ambrose** was a member of this WSP production detail.
10. Nicholas Calabrese was next brought to Chicago in late May, 2003, so that he could assist the FBI in locating some of the murder scenes and other relevant locations. The FBI and WSP Inspector personnel physically escorted Calabrese to various Chicagoland locations on May 21 and 22, 2003. **Ambrose** served on the overnight shift as a member of this WSP detail, but did not personally serve as one of the escorts; rather, he and two others were assigned to a location where the WSP Inspectors have their facilities.
11. Only certain individuals directly involved with the investigation had knowledge of Nicholas Calabrese's whereabouts and the extent of his cooperation with federal law enforcement in 2003. This information was considered extremely sensitive in light of the

⁹Emphasizing the need to provide this security with regard to Nicholas Calabrese's cooperation in United States v. Nicholas Calabrese, et al., 02 CR 1050 (Zagel, J.), in at least four of the alleged murders in that pending case the victims were killed because the Outfit believed they had, or would, provide information to law enforcement concerning the Outfit's illegal activities. Also, a number of extortions are charged in that case, threats of violence being a factor in those offenses. Many trial witnesses have expressed concerns regarding retaliation by the Outfit. Moreover, historically a number of witnesses, like Nicholas Calabrese, have had to be formally placed in the government's witness security program for fear that they would otherwise be murdered by the Outfit, and other likely witnesses have been moved by the FBI in order to prevent Outfit retaliation.

nature and extent of Nicholas Calabrese's cooperation, his background as a "made" Outfit member, and the assessment of the threat posed to Nicholas Calabrese by the Chicago Outfit. In fact, Nicholas Calabrese has provided law enforcement with the most expansive overview of Chicago Outfit murders to date.

C. Marcellos Intercepted Discussing Information Obtained from "The Babysitter" (Ambrose) Relating to Nicholas Calabrese's Whereabouts and Cooperation

12. As noted above, James Marcello, his brother Michael Marcello, Nicholas Calabrese, and eleven other defendants have been indicted for their alleged participation in an extensive organized crime conspiracy lasting from the mid-1960's through the date of the indictment.¹⁰ The acts alleged as having been undertaken in the course of the conspiracy include 18 Outfit-related murders of, inter alia, suspected government cooperators and witnesses.
13. From September 20, 2000, to November 5, 2003, James Marcello was incarcerated in Michigan at FCI Milan on a RICO conspiracy conviction for his role as a top lieutenant in the Carlisi Street Crew of the Chicago Outfit.¹¹ During the course of the court-

¹⁰United States v. Calabrese, et al., 02 CR 1050; see also United States v. Nicholas Calabrese, 2006 WL 1814365 (N.D.Ill.) ("The conspirators, as alleged here and reported in decisions of other courts, were in the business of extorting money, operating illegal gambling ventures, making usurious loans, and collecting loans, gambling debts, and other money by threatening and using force. The organization allegedly employed intimidation, bribery, and murder to protect itself against witnesses and turncoats within its ranks. Without question, the allegations portray an organization that threatens the safety of individuals; similarly, the crimes alleged are among the most serious crimes to threaten the safety of the community.").

¹¹See United States v. Zizzo, 120 F.3d 1338, 1343 (7th Cir. 1997) ("James Marcello worked as [Chicago Outfit 'boss of all bosses' Sam 'Wings'] Carlisi's chauffeur, emissary, and all-around right-hand man."). James Marcello was incarcerated on his federal charges from December 1992 through November 2003.

authorized intercepts Michael Marcello ordinarily visited James Marcello at FCI Milan once or twice a month.

14. Commencing on December 4, 2002, and renewing the authority on several other occasions, U.S. District Judge Tarnow (Eastern District of Michigan), authorized the FBI to audio and video-tape conversations between James and Michael Marcello at the visiting room at FCI Milan, where James at the time was incarcerated after being convicted for his role in the Outfit's Carlisi Street Crew.
15. In approximately five of the eleven recorded conversations, large portions of which were coded and whispered, Michael Marcello reported to James Marcello information relating to Nicholas Calabrese that was obtained from "the Babysitter" (**Ambrose**) – including information concerning Nicholas Calabrese's whereabouts, his status as a cooperator, and the level of his cooperation. These conversations took place on January 30, March 6, March 24, April 24, and June 12, 2003, all well before Nicholas Calabrese's cooperation was publicly disclosed by the government.

1. January 30, 2003, Intercepted Conversation

16. The January 30, 2003, conversation between James and Michael Marcello was the first recorded conversation in which Nicholas Calabrese's cooperation was heard being discussed. WSP records confirm that **Ambrose** was assigned to Nicholas Calabrese's October 31, 2002, WSP production detail. Nicholas Calabrese was moved from a secure location to Chicago for his arraignment.¹² At this time Nicholas Calabrese's status and

¹²The conversation suggests that James and Michael Marcello previously discussed information they obtained from their source (**Ambrose**). The government began to intercept James and Michael Marcello's conversations starting on December 20, 2002. Prison records show that between the October 31, 2002, WSP production detail, and the beginning of the intercepts Michael

whereabouts were not publicly known. At the time of Nicholas Calabrese's WSP production detail to Chicago, records concerning Calabrese, including records describing his background, criminal history/involvement, names of individuals about whom Calabrese had provided information, murders about which Nicholas Calabrese had provided first and second-hand information, and names of individuals who could potentially pose a threat to Calabrese, were maintained inside the secure WSP facility in Chicago in a file cabinet. As noted in a conversation on March 24, 2003 (full transcript at pages 20-22), Michael Marcello provided information about the identity of his source of the information about Nicholas Calabrese's WSP details, and that information is unique to **Ambrose**. The following is an excerpt from the January 30, 2003, conversation:

Marcello visited James Marcello.

Michael: The big thing with them [**the government**]¹³ is the Zhivago deal.¹⁴

James: Uh huh.

Michael: (Shakes his head.)

James: Well, he [**your affiant believes this is a reference to Nicholas Calabrese**] said something about that, they said? I thought it was another direction.

Michael: (Michael nods his head) Supposedly, well I don't... That, we don't know what he [**Nicholas Calabrese**] said about that.

¹³Your affiant's interpretations of the video and audio recorded statements, opinions about what is being discussed and who is being referred to, as well as supplemental factual information, are included in bold inside brackets ("[]"). These interpretations and opinions are based on the context of the conversations; patterns of references detected over the course of the interception period; comparisons of topics discussed with objectively known facts, where provable; and inferences drawn from facts established elsewhere during the course of the investigation. When discussing Nicholas Calabrese's cooperation and Outfit business, James and Michael Marcello talked extensively in both sign language and code. Whenever they talked about Outfit business, they often whispered, leaned forward and covered their mouths. There were several gestures or hand signals, as well as coded words, that the FBI has been able to decipher (e.g. the word "pagliacci" is a reference to Joseph "The Clown" Lombardo; "pagliacci" is the Italian word for "clowns"). There were other gestures that were out of view of the camera as well as code words and gestures the agents have been unable to decipher or that were unintelligible ("UI"). Moreover, the transcriptions contained herein are in draft, and not final, form. Your affiant therefore has included these interpretations and opinions as a means for the Court to assess probable cause with the assistance of reasonable investigative conclusions made in good faith; these interpretations and opinions are not to be taken as established, undisputed facts. A number of obstacles posed initial barriers to the government's ability to interpret the conversations: the audibility of portions of the audio recordings was low, the language was coded, and whispers, gestures and sign language further obscured what was being said. Law enforcement's ability to hear the content and context of what was said improved markedly in 2006, when the recordings were transferred to a specialized computer program.

¹⁴It is the opinion of your affiant that this is a reference to the murders of Anthony and Michael Spilotro; on April 24, 2003, Michael and James Marcello discuss an April 23, 2003, Chicago Tribune article. Michael goes over the contents of the article and says "they mention Zhivago and his brother" (the article contains no reference to brothers other than in the context of the murder of Anthony and Michael Spilotro).

James: Mmm hmm.

Michael: But, I'm telling you, you're in there, You know, how far, whatever. I don't know. The guy [**believed to be the source of the inside information, Ambrose**] can only do what he can do. You know what I'm saying?

17. It is the opinion of your affiant that Michael Marcello is indicating that James Marcello is included in the information Nicholas Calabrese provided; James Marcello was in fact listed in the file **Ambrose** admitted he reviewed. **Ambrose** during his interview also admitted to law enforcement that he recognized the name Marcello from the WSP documents.

James: Mmm hmm. Well, that's all he [**believed to be Ambrose**] saw was names [**in WSP documents**]?

Michael: The guy [**believed to be the source accessing the records, Ambrose**] had the notes (puts his hands out as if indicating a pad of paper). Everything he was writing down.

James: Mmm hmm. Watch what [**it is the opinion of your affiant that James Marcello appears to instruct Michael Marcello to be careful about talking in the prison about this sensitive subject**]

Michael: You know? Went through the guy's notes [**believed to be WSP documents relating to Nicholas Calabrese which Ambrose admitted to reviewing**].

18. Later in this conversation, James and Michael Marcello revealed that they knew Nicholas Calabrese had implicated himself in a number of murders, but James and Michael Marcello were still unsure as to whether he had implicated James Marcello:

James: . . . Now, do they know if this guy did that or that's what they were asking him about? Supposedly he did it, right? The questions they asked him as, he said? Krause's brother [**based on review and analysis of numerous intercepted conversations, your Affiant believes that "Krause" is a**

code-name for Nicholas Calabrese's brother Frank Calabrese¹⁵].

Michael: Yeah.

James: You know what I'm saying?

Michael: Mmm hmm.

James: Stuff that he [**Nicholas Calabrese**] said, not questions they [**the government**] were asking if he knew about, this and that? Right?

Michael: Mmm hmm. (Pause). You mean when he went the first, for the first trip?

James: When he, the first time he told me...

Michael: He [**Nicholas Calabrese**] admitted to being involved in nineteen of them things [**murders**]. Okay?

James: Yeah.

Michael: And he named them, one by one by one. I guess. And once he did that, he, he still didn't probably... You know. He didn't give 'em, I don't think anything else, much else.

19. The WSP application for Nicholas Calabrese lists each separate murder about which Calabrese provided information in separate paragraphs. As discussed in great detail on page 33 below, **Ambrose** during his interviews admitted that he told Individual A that there were a “bunch of murders” in the file he looked through. **Ambrose** advised that he did not tell Individual A an exact number of murders.

¹⁵Frank and Nicholas Calabrese are James and Michael Marcello's co-defendants in the pending case of United States v. Nicholas Calabrese, et al., 02 CR 1050 (Zagel, J.). The government in its indictment alleges that the Marcellos and the Calabreses, along with ten other co-defendants, were involved in the criminal enterprise known as the “Chicago Outfit.” According to Nicholas Calabrese, Frank Calabrese, Sr., was the leader of a Chicago Outfit street crew and participated in a number of charged Outfit homicides.

James: In the beginning, didn't you tell me that stuff in Zhivago [Spilotro murders] was all...? With them other people that were brought up?

Michael: (Nods his head.) That 's what we heard to begin with. But then when... The kid didn't... Here. When the guy [believed to be Ambrose] went to look at the car the first time, the only name he knew was (rubs his nose with his finger) [it is the opinion of your affiant that this is reference to John “No Nose” DiFronzo,¹⁶ who was jailed in Marion Federal Prison Camp in Illinois with Individual A, one of the co-defendants of Ambrose’s father in the Marquette 10 case and the person Ambrose told about the “Babysitter” detail; Ambrose initially admitted mentioning DiFronzo’s name to Individual A, but later denied making any such mention.].

James: Uh huh.

Michael: You follow me? Cause his friend [possibly Individual A] is friends with the guy [possibly DiFronzo].

James: Yeah.

Michael: So when he [Ambrose] saw that thing [the WSP documents], that's when he went to his friend [Individual A].

James: Mmm hmm.

Michael: Because of him [Individual A]. Not because of anybody... So then, told 'em to look for this car and this car and this car [it is the opinion of your affiant that, after seeing the list with John DiFronzo’s name, Ambrose was directed by Individual A to go back and look for other names]. Follow me?

James: Uh huh.

Michael: He did. That's when it came up. (Motions with his head and puts his hands in front of his stomach) [it is the opinion of your affiant that this is a reference to Outfit

¹⁶“No Nose” is a common nickname for John DiFronzo.

Member A; Nicholas Calabrese advised that Outfit Member A is a “made” member of the Outfit, and that he and Outfit Member A were “made” on the same date.]

James: Uh huh.

Michael: It's all in there. Started (makes a circular motion with his hand) going through everything, as much as he could go through. [**Ambrose looked through the file as much as he could**].

James: Right.

Michael: Look for this, look for this, look for this.

James: Yeah.

Michael: (UI) the names.

James: Uh huh.

Michael: Come back, yeah they're there. This, this and that. This incident I told you about. This here (motions with his hand which is out of view). This here. Get that. (Puts his hand in front of his stomach.) [**Believed to be reference to Outfit Member A**]. You know what I mean?

James: Uh huh.

Michael: All of that. And ah the guy out there I told you, Pudgy's [**Outfit Member A's**] friend, he's there too. (UI) Nobody asked him to find it. But he [**Ambrose**] just happened to go see it. So. You know what I mean?

James: Ah.

* * * *

Michael: No, (UI) but the point is they'll be a lot of steam out of it.

James: Huh?

Michael: (UI) What are you gonna do?

James: (Leans in towards Michael.) (UI) look how long they had it. What are you gonna do?

Michael: No, I understand that. Just (UI) more and more (UI).

James: Sure. Then you gotta know what to do. It's not that easy. Could be in the (UI), too.

Michael: Yeah, I'm sure it is. (UI) (UI) around them.

James: You know what I mean? (UI) with Krause. If they can get... You know. Then they can go. Without Krause they can't go for it. It looks like it to me.

20. It is the opinion of your affiant that in this conversation James Marcello believes that unless “Krause” (Frank Calabrese) also cooperated and corroborated his brother Nicholas, the government did not have a strong case. James Marcello therefore was particularly interested in determining whether Frank Calabrese was cooperating with the government. In a recorded January 30, 2003, conversation between James and Michael Marcello, for example, the two men are discussing the potential of Frank Calabrese’s cooperation. In this conversation, James Marcello indicates his continued interest in learning, not just Frank Calabrese’s intentions regarding cooperating, but also, through “the babysitter” [**Ambrose**], the full extent of Nicholas Calabrese’s cooperation.

James: How often are you able to see this party? You know, the one you get the stuff [**information about Nicholas Calabrese’s cooperation**] from (makes a motion with his hands)?

Michael: Every, every time, he... You know he can see him any time, but...

James: No.

Michael: Every time he...

James: No what's the sense if, if...

Michael: Like I says give 'em the three things, the notes... Let him [Ambrose] go look. See if he spots anything. And he did.

James: Uh huh.

Michael: It took him [Ambrose] a week to get it to the spot where he could do it. You know.

James: Uh huh. We don't know if there was anything else from that or if it was just that or...?

Michael: No.

James: See, that's the only thing. You don't know if there was. You know.

Michael: He [Ambrose] happened, he happened to be at the office [WSP facilities] alone. That stuff [WSP file relating to Nicholas Calabrese] was on the desk and he [Ambrose] started going through it. [As discussed in great detail on page 31 below, Ambrose during his interview admitted to reviewing the file at the secure WSP site after being given access to it].

James: Yeah.

Michael: You know, there's gotta be more. You know.

James: I mean, you'd think maybe it would be all in one spot. I guess not. . . .

[End of January 30, 2003, Conversation]

21. This January 30, 2003, conversation clearly demonstrates that James and Michael Marcello had access to sensitive, non-public WSP information concerning Nicholas Calabrese's October 31, 2002, WSP production to Chicago, as well the nature and extent of his cooperation with law enforcement. They, moreover, discuss their "source's" access to these sensitive records. In both the January 30, 2003, and the March 6, 2003, prison visits, however, they do not discuss the identity of their source.

2. March 6, 2003, Conversation

James: Mickey, listen, Mick, they can't prove a fucking thing.

Michael: Oh, one thing I found out, that he [**Nicholas Calabrese**] didn't tell them the first time around. You know. He didn't say that he did nineteen of them things [**murders**]. Remember?

James: Mmm hmm.

Michael: He said (UI). Those that participated in and had knowledge of...

James: Mmm hmm.

Michael: ...nineteen of them things [**murders**].

James: Mmm hmm.

Michael: Not that he was.

22. The Calabrese WSP application listed 16 murders that Nicholas Calabrese was personally involved with. It also listed that there were 22 other murders of which Nicholas Calabrese had second-hand knowledge.

James: No. See what I mean? See how things get? You know.

Michael: That's how it was.

* * * *

James: And what'd he [**Nicholas Calabrese**] say about me? You don't know what he said about me?

Michael: (Shakes his head no.) According to what the guy [**believed to be Ambrose**] saw, nothing. You know. Guy [**believed to be Nicholas Calabrese**] said your name, how he knew you. You know, all that kind of shit.¹⁷

¹⁷In fact, Nicholas Calabrese initially left out James Marcello's involvement in the murders of Anthony and Michael Spilotro, and WSP paperwork reflected that Nicholas Calabrese did

James: That's what I'm saying. I'm telling you, Mick.

Michael: But nothing else.

James: Yeah.

Michael: I know it could have been worse than that. So I mean, I know that.

[End of March 6, 2003, conversation]

23. It is the opinion of your affiant that Michael Marcello in this conversation was speculating that Nicholas Calabrese at this point had limited his cooperation to providing the government with information about the murders he was involved with, and had not provided additional information implicating James Marcello and others.

3. March 24, 2003, Conversation

24. While James and Michael Marcello in the January 30, 2003 and March 6, 2003, conversations discussed obtaining non-public information concerning Nicholas Calabrese's cooperation with law enforcement, it is not until the March 24, 2003, conversation that they begin to discuss the identity of their source.

James: You think Mick, you uh, we'd, where he'd [**Nicholas Calabrese**] be (motions with fist to his chest).

Michael: As far as, uh...

James: Polizia [**the FBI**].

Michael: I don't know. Trying to...I'll find out.

James: The guy [**Ambrose**] giving it to you?

Michael: Yeah, the guy, his babysitter [**Ambrose**].

mention James Marcello only in the context of the murder of Nicholas D'Andrea.

James: Oh, yeah?

Michael: Babysitter guy [**Ambrose**], same guy.

James: Same guy that was at the other place with him [**Ambrose during his interview admitted, and WSP documentation verified, that Ambrose was in fact on Nicholas Calabrese's first WSP detail during Calabrese's October 31, 2002 - November 1, 2002 trip to Chicago.**]

Michael: (Nods affirmatively) Same guy [**Ambrose**] that took him the first time. (Pause) You know the guy?

James: Are youse doing anything? Are you able to do...?

Michael: Uh, he won't, uh. The guy told... You know a guy by the name of, was a copper, DeRango, Tony DeRango?

James: I grew up with him.

Michael: Huh?

James: I grew up with him. He was, uh, in our old neighborhood, that district.

Michael: Marquette, the Marquette Ten.

James: Mmm hmm.

Michael: 'Cause he's friends with this guy. His [**Ambrose's**] father was close to that guy.

James: This guy (touches his nose)[**believed to be John "No Nose" DiFronzo**], right?

Michael: (Shakes his head no) DeRango. And, uh, another guy by the name of [**last name of Individual A**]. [**last name of Individual A**] was close to this guy (motions to his nose) [**believed to be a reference to DiFronzo**].

James: Okay.

Michael: They both were, really both of them. They both knew him from Marion Camp. [**According to U.S. Bureau of Prison records, between March 22, 1994, and July 19, 1994,**

Individual A and John DiFronzo were both housed at the Marion Prison Camp in Illinois].

James: Okay.

(Pause)

Michael: They're, ah...This kid's [**Ambrose's**] father was with them.

James: Mmm hmm.

Michael: On that beef [**the Marquette 10 case**] and everything. He went down with them. He died though [**U.S. Bureau of Prisons records show that on April 19, 1986, Thomas Ambrose died while incarcerated in Texas**].

James: Oh, did he?

Michael: The kid's [**Ambrose's**] father died. So they like, you know, the kid [**Ambrose**] comes down. You know what I mean?

James: Yeah.

Michael: They were close to the father.

[End of March 24, 2003, conversation]

25. On May 20-23, 2003, Nicholas Calabrese was brought to Chicago by WSP to view various Chicagoland murder sites about which Calabrese had first or second-hand information. WSP records show that **Ambrose** was assigned to this WSP production detail during the evening shifts.

4. June 12, 2003, Intercepted Conversation

26. In the June 12, 2003, conversation James and Michael Marcello discuss Nicholas Calabrese's May 20-23, 2003, WSP production to Chicago.

James: Everything I ever did with that guy [**Nick Calabrese**] was all good.

Michael: Huh?

James: I said everything I ever did with that guy was all good. I was his friend when he was in there and that's it.

Michael: But then the other kid [**Ambrose**], you know the kid that, the kid that handles him once in a while? [**Ambrose was on both of Nicholas Calabrese's WSP details.**]

James: Mmm hmm.

Michael: You know, he [**Nicholas Calabrese**] was there [**Chicago**].

James: Uh huh.

Michael: The week after I was there.

James: Uh huh.

Michael: He was there for a week. A little over a week.

27. June 12, 2003, was Michael Marcello's first prison visit with James Marcello following the Nicholas Calabrese May, 2003 WSP production detail to Chicago. Michael Marcello therefore had knowledge that Nicholas Calabrese was in Chicago approximately one week after Michael Marcello's last visit with James Marcello on May 15, 2003. This information was non-public and should have only been known by a small group of individuals involved in the investigation or in the WSP detail.

James: Mmm hmm.

Michael: Right in front of the thing. They were driving him [**it is the opinion of your affiant that this is a reference to Nicholas Calabrese**] all over the city. Showed 'em the (UI). (UI)

James: Huh?

Michael: Supposed to have (UI).

James: Yeah Mick, I heard you.

Michael: By, ah, where, where the knee (places his hand on his knee) was.

28. According to Nicholas Calabrese, “the knee” is a reference to Outfit Capo Angelo LaPietra, who had a bad knee. Nicholas Calabrese has advised investigators that the term “the knee” was often used amongst his coconspirators as a reference to Outfit Capo Angelo LaPietra, who controlled the Bridgeport area. Nicholas Calabrese was in fact taken to the area near White Sox park to see if he could locate the site where Michael Albergo was murdered and buried. **Ambrose** admitted that he knew who LaPietra was, and that he (**Ambrose**) told Individual A that **Ambrose** drove an “OC guy” to White Sox Park as part of the WSP detail.

Michael: Supposed to be five things underneath there or something? That’s what he told ‘em. You know [**Nicholas Calabrese only described three murders in the Bridgeport area**].

James: Mmm hmm.

Michael: He [**Nicholas Calabrese**] took ‘em [**the government**] there, down east by Pagliacci [**it is the opinion of your affiant that this is a reference to Outfit member Joey “The Clown” Lombardo**], that way. That’s what he says. Now this is, this is from like yesterday.

James: Mmm hmm. Mmm hmm.

Michael: Oh, the moulieri... [**Italian slang for “wife”; in this case Nicholas Calabrese’s wife.**]

James: Mmm hmm.

Michael: Three times (puts his hand to his head, like holding a phone).

29. Your affiant believes that this last reference was meant by Michael Marcello to convey to James Marcello that “the Babysitter” [Ambrose] had advised that Nicholas Calabrese attempted to call or called his [Calabrese’s] wife three times while in WSP custody. The investigation indicated that it was of continuing interest to James and Michael Marcello to find out if Nicholas Calabrese’s wife knew whether he was cooperating with the government.
30. WSP logs reveal that on May 21, 2003, and May 22, 2003, calls were in fact placed on behalf of Nicholas Calabrese to his wife from the secure facility at which he was housed. Nicholas Calabrese advised the FBI that on three occasions during this WSP production he in fact had placed calls to his wife through WSP personnel. Records further show that Ambrose was on night duty while at the time that two of the phone calls were placed to Nicholas Calabrese’s wife. It appears that Ambrose may have made one of the WSP log notations about one of these calls. No more than a few individuals should have had access to this law enforcement sensitive information, and James and Michael Marcello were not in this group.

Michael:

He [Ambrose] dialed the phone number himself, the kid. He [it is the opinion of your affiant that this is a reference to the Outfit connection who talked to Ambrose] said the kid [Ambrose] dialed the phone number. [WSP personnel advised that WSP protocol requires that WSP personnel actually dial the phone for the witness to make sure the call goes where it is supposed to].

James:

What did we say [James and Michael Marcello previously expressed an interest in discovering whether Nicholas Calabrese’s wife knew whether Nicholas Calabrese was cooperating with law enforcement]. But that’s okay.

Michael: Found that out too, for sure. While that was going on.

James: Sure. Nothing wrong with that.

Michael: And, ah, but he [**Ambrose**] says nothing in this direction (appears to point to James).

31. It is the opinion of your affiant that **Ambrose** indicated that he had not seen anything showing that Nicholas Calabrese had incriminated James Marcello in any murders. As noted above, your affiant believes that James Marcello had been paying Nicholas Calabrese “hush” money; Nicholas Calabrese admitted to law enforcement that he at first failed to mention James Marcello’s involvement in the Spilotro murders because he was being paid by James Marcello to keep quiet, but he later implicated James Marcello in the murders.

James: Mmm hmm.

Michael: 'Cause he [believed to be **Ambrose**] knows what we’re looking for.

James: (Nods his head.)

Michael: (Rubs his nose) [**it is the opinion of your affiant that this is a reference to John “No Nose” DiFronzo**] With that, with, ah, Zhivago [**the Spilotro murders**].

James: Mmm hmm.

Michael: But then the other stuff is all like, over there, where, where, where they were at. You know.

James: Mmm hmm. Over here (makes a motion, possibly pointing to his foot which is out of view of the camera)? Right?

Michael: That’s what he said so far.

James: I believe it.

Michael: This was just yesterday.

James: I told you. That was the best investment... Believe me **[it is the opinion of your affiant that the “investment” is a reference to above-described money James Marcello caused to be paid to Nicholas Calabrese to keep quiet about James Marcello]** .

Michael: I hope so. I hope it works out that way, buddy.

James: Look, Mick...

Michael: You know, I, I mean I hope you're right. I, I... Listen, if it is, it is. Fine. Keep it going and let it go **[it is the opinion of your affiant that Michael Marcello is telling James Marcello to keep paying Nicholas Calabrese to keep quiet about James Marcello]**. That's all.

James: Right.

Michael: But, I just hope he don't turn around and ... **[it is the opinion of your affiant that Michael Marcello hopes Nicholas Calabrese does not ultimately cooperate against James Marcello]**.

James: Listen, you know, like I said...

Michael: 'Cause you know they're trying to push him **[Nicholas Calabrese]** to do it **[cooperate]**. No fucking doubt on that.

* * *

James: Three times (UI).

Michael: Huh?

James: Three times, the moulieri **[it is the opinion of your affiant that this is a reference to calls placed by Nicholas Calabrese to his wife through WSP personnel; Ambrose was on duty for all three of the night shifts during the May, 2003 detail when two of the calls were made.]**

Michael: (Nods his head affirmatively.) Seen the guy dial the number. **[I believe he is indicating Ambrose saw the WSP Inspector dial the phone call to Calabrese's wife.]**

James: (Nods his head.)

Michael: Says I [believed to be **Ambrose**] had ta'. You know. They won't let him [**Nicholas Calabrese**] do it himself. They don't. You know what I mean?

32. As noted above on page 25, it is WSP protocol that individuals in WSP are not permitted to dial calls out themselves, but rather have to have the calls dialed for them.

James: (Nods his head affirmatively.) (UI) That, that stuff takes a long time. That ain't around the corner type of deal. . . .

Michael: There's so much shit... It's [**formal charges being filed**] two years down the road that... [**Ambrose during his interview said he told Individual A that the investigation was going to take a long time.**]

James: Yet?

Michael: (Nods his head affirmatively.)

James: Sure, I know it. Forget about it. And that ain't for sure [**whether formal charges will be filed is uncertain**].

Michael: (Shakes his head no.) Well, that's what they're saying.

James: (UI)

Michael: Oh, that kid [**Ambrose**] that dialed the telephone back ... That's how that came back. Remember he was (UI) was talking to him? Dialed the telephone for that...

James: Mmm hmm.

Michael: Talked to (UI).

James: (Nods his head affirmatively.)

Michael: They were talking while the guy was around there (makes a circular motion with his arm) (UI).

James: Uh huh.

Michael: (UI) And it was just a couple weeks ago.

James: You're telling me about (touches his knee) this guy area **[believed to be reference to LaPietra and Bridgeport: Ambrose admitted that he recognized LaPietra's name when he reviewed the Calabrese files]**, how many, this, that's... You're talking nine (UI). A lot involved in that stuff. You know what I mean?

Michael: The spot where he **[Nicholas Calabrese]** took 'em **[the government]**, supposed to be five things **[it is the opinion of your affiant that this is a reference to five murders]**. Now, he's not... Maybe five things that happened there or five things are there. The way I got it, they are there. The way it sounds.

James: I don't know anything about any of that kind of stuff.

Michael: (UI) the spot.

* * * * *

James: Now, who's telling you this? This here stuff that you're hearing? This guy (puts his hands out in front of his stomach) **[believed to be Outfit Member A]**?

Michael: What? With this kid?

James: Yeah.

Michael: He went and seen the guy, ah, the guy the kid goes and sees?

James: Mmm hmm.

Michael: He went there himself. Yesterday.

James: Oh.

Michael: Now, I've met the guy, too. Okay. To... Together with him.

James: Mmm hmm.

Michael: See the guy we both know, knows this...

James: Okay, you don't have... I (UI).

* * * *

James: (UI) What I'm trying to say, when I was asking if he goes and sees that girl. (UI) seeing that party (puts his hands in front of his stomach)[**reference to Outfit Member A**]. (UI)

Michael: Yeah.

James: (UI) You know what I mean?

Michael: (Nods his head affirmatively.)

James: (UI) You understand?

Michael: Try to do something for the guy [**Ambrose**] like this way (rubs his thumb and fingers together) [**meaning give Ambrose some money**]. You know.

James: Uh huh.

Michael: The guy said no [**meaning Ambrose did not want money**]. Just leave it like it is.

James: He says I know what you're asking about and he says . . . (shakes his head no).

Michael: Yeah, well he knows what we're interested in.

James: Mmm hmm.

Michael: You know. He says... You know. The name was on pieces of paper and stuff like that. They were ask... You know. Notes that they were asking him [**Nicholas Calabrese**] stuff. He said that in the beginning.

James: Uh huh.

Michael: You know. But other than that, he [**Ambrose**] ain't heard nothing. You know. Nothing else.

James: He [**Ambrose**] was there when they [**the government**] talked [**to Nicholas Calabrese**] and everything, right?

Michael: When they talked to him?

James: Yeah.

Michael: Sometimes.

James: Yeah.

[End of June 12, 2003, conversation]

D. Ambrose's Fingerprints on WSP Documentation Relating to Nicholas Calabrese

33. On June 22, 2006, WSP personnel provided the FBI with the secured WSP Production File concerning Nicholas Calabrese. The FBI performed a latent fingerprint examination of the paperwork contained in this WSP file. Two latent fingerprints were developed on two of the original WSP documents, which were identified as the fingerprints of **Ambrose**. One of the documents was included in the WSP application records for admittance into the WSP program. The WSP application records contained sensitive information such as testimony to be provided by Nicholas Calabrese, and Ambrose's fingerprint was found on the last page which included the signature of the U.S. Attorney. **Ambrose** at the beginning of his first interview denied having read any files relating to Nicholas Calabrese. He later admitted to reviewing Calabrese's file.

E. Ambrose's Discrepancies During His Three Interviews

1. September 6, 2006, Initial Interview

34. **John Ambrose** during his initial September 6, 2006, interview by federal law enforcement officials at first denied ever reviewing any WSP files or documentation pertaining to Nicholas Calabrese. **Ambrose** later admitted that he, while on the second of his two WSP details involving Nicholas Calabrese, reviewed two WSP files relating to

Nicholas Calabrese's cooperation and WSP status. **Ambrose** further admitted that he had two conversations with Individual A about the Calabrese details. After the first detail, **Ambrose** told Individual A that he was working a detail for a guy who was involved with the Mob. During this conversation, Individual A asked **Ambrose**, "Is there anything I should know about? Let me know." **Ambrose** understood this to mean that Individual A wanted to know if there was anything in the file about DiFronzo. **Ambrose** responded that he did not know.

35. **Ambrose** also told the interviewers that he was aware that Individual A knew DiFronzo,¹⁸ and that Individual A and DiFronzo had been in prison together. **Ambrose** advised that he also disclosed information to Individual A after Calabrese's second visit to Chicago. During his first interview, **Ambrose** admitted that he disclosed information to Individual A about what they were doing with Calabrese during the second visit to Chicago. **Ambrose** repeatedly asserted that he "fucked up." **Ambrose** advised knowing that during this visit that Calabrese had been taken around the south side of Chicago by FBI Special Agents and Deputy United States Marshals. **Ambrose** said he gave Individual A this information in an effort to "pump himself up" and that he was being "boastful" to Individual A, whom he (**Ambrose**) looked up to.
36. **Ambrose** also explained that he thought that by providing this information he would ingratiate himself to DiFronzo and others to help his career. **Ambrose** advised that he had previously used his relationship with Individual A, knowing his (Individual A's) relationship with DiFronzo and others might prove helpful to **Ambrose** in locating

¹⁸**Ambrose** could not recall DiFronzo's first name.

fugitives, and to one day capture Joseph Lombardo when he became a fugitive.¹⁹

Ambrose stated that the only name **Ambrose** remembered from the WSP documents that he spoke about with Individual A was DiFronzo.

2. September 6, 2006, Second Interview

37. During a second interview conducted later that day by FBI agents **Ambrose** advised that he knew Individual A was associated with DiFronzo, but now denied that he (**Ambrose**) thought Individual A would pass along any of that information to DiFronzo or any other members of the Outfit. According to **Ambrose**, he (**Ambrose**) was simply bragging to Individual A, whom **Ambrose** said he considered a father figure, and that he (**Ambrose**) told Individual A after the first Calabrese detail that he (**Ambrose**) worked on a big, high profile organized crime guy in an organized crime case.
38. **Ambrose** also said he knew Individual A knew DiFronzo, and that both had been in prison together. **Ambrose** advised that when he told Individual A that he was on the first detail, Individual A asked something like, “Is there something I should know?” **Ambrose** responded “no.” **Ambrose** said he did not expect Individual A to ask this question. **Ambrose** advised that he never reached out to Individual A to give him information about Calabrese’s two separate productions; rather, according to **Ambrose** they just ran into one another.
39. In a departure from his initial interview, **Ambrose** now advised that he did not tell Individual A the information about the detail with the intention that Individual A would pass the information on to DiFronzo. **Ambrose** advised that he was just trying to boast about himself and make it look to Individual A like **Ambrose** was doing something

¹⁹**Ambrose** in fact never contacted the FBI to offer assistance in the capture of Lombardo once he (Lombardo) became a fugitive.

important. **Ambrose** said that he also lied to Individual A, falsely claiming that he (**Ambrose**) personally drove “the guy” (Calabrese) around the city during the second detail. **Ambrose** further repeatedly denied ever providing Individual A with any names he saw in the file (other than the names of Outfit murder victims Anthony and Michael Spilotro). **Ambrose** stated that he never even gave Calabrese's name to Individual A, and that he did not recall seeing DiFronzo's name in the WSP files. **Ambrose** advised that Individual A asked if **Ambrose** saw DiFronzo's name, and that **Ambrose** either responded “no” or “you know I can't tell you.” As set forth below, **Ambrose** during his subsequent interview changed his story as it relates to DiFronzo.

40. **Ambrose** said the only names he mentioned to Individual A were those of Michael and Anthony Spilotro. **Ambrose** said that he told Individual A there were a "bunch" of murders listed in the file; **Ambrose**, however, denied giving Individual A a specific number of murders. **Ambrose** also denied mentioning anything to Individual A about phone calls that had been placed to Calabrese's wife during the second detail.

3. September 11, 2006, Interview

41. On September 11, 2006, **Ambrose** (with his attorney present) was again interviewed by FBI agents and two Assistant U.S. Attorneys. During this interview, **Ambrose** acknowledged telling the interviewing agents during one of his prior interviews that Individual A (after learning about the first Calabrese detail) asked **Ambrose** if there was anything Individual A should know. Now, however, **Ambrose** maintained that Individual A did not ask **Ambrose** this question. **Ambrose** when pressed on the issue admitted that he could not explain how it was that James and Michael Marcello were recorded discussing information pertaining to Nicholas Calabrese, including a specific number of murders Nicholas Calabrese was providing law enforcement detailed

information on; specific names that were listed in the WSP file; and how many phone calls Nicholas Calabrese placed to his wife during the second detail.

42. **Ambrose** said he was under the impression that the WSP file contained transcripts or summaries of Nicholas Calabrese's grand jury testimony or a proffered statement (he was mistaken about this). **Ambrose** could not explain how it was possible for James and Michael Marcello to be under this same mistaken impression that Nicholas Calabrese had testified in the grand jury. **Ambrose** likewise was unable to explain why crucial parts of his story concerning the nature of his conversations with Individual A had changed.

F. Phone Records Indicate Ambrose Called Individual A Shortly After Second Nicholas Calabrese WSP Production

43. FBI agents obtained the Nextel records for the cellular telephone number (312) 446-1603, the U.S. Marshal's Service cellular telephone used by **Ambrose**. On May 23, 2003 – the last day of the second Calabrese detail – there was a fourteen minute outgoing call from **Ambrose's** cellular telephone to the work telephone number of Individual A. This call was made within hours of **Ambrose** completing his last night shift of this second detail. A review of the calls between **Ambrose's** cellular and home telephones and that of Individual A's cellular and work telephones revealed that there were no outgoing calls over three minutes during the time frame of December, 2002 through July, 2003. When interviewed, however, **Ambrose** asserted that he only gave the information relating to the second WSP detail to Individual A when he happened to see Individual A a few weeks later.

IV. CONCLUSION

44. Based on the foregoing your affiant submits that there is probable cause to believe that **Ambrose** knowingly stole, purloined, and converted to his own use, and to the use of another, a thing of value of the United States, in violation of 18 U.S.C. Section 641.

Further Affiant sayeth not.

Subscribed and sworn to me
this 11th day of January, 2007

Hon. MICHAEL T. MASON
Magistrate Judge

ANITA STAMAT
Special Agent, Federal Bureau of
Investigation